

CHAPTER NO. 994

HOUSE BILL NO. 2403

By Representatives Buck, Newton

Substituted for: Senate Bill No. 2758

By Senator Person

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 4, Title 8, Chapter 8, Part 2, Title 38, Chapter 3, Part 1 and Chapter 502 of the Public Acts of 1997, relative to the requirement that fingerprints be taken, law enforcement's compliance with such requirement and standardized booking procedures for arrestees.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-4-115, is amended by deleting subsection (a) in its entirety and substituting the following:

(a) The Comptroller of the Treasury, in consultation with the Tennessee Bureau of Investigation, the Tennessee Sheriff's Association, the Tennessee Association of Chiefs of Police, and the Tennessee Corrections Institute, developed standardized booking procedures which include:

- (1) A photograph of the arrestee;
- (2) Two sets of fingerprint cards, properly completed and mailed to the Tennessee Bureau of Investigation;
- (3) Delivery to the appropriate local law enforcement agency a completed judgment order signed by a judge to be used by the local law enforcement agency for completion of an R-84 Disposition Card; and
- (4) An Arrest Report.

Notwithstanding the provisions of Tennessee Code Annotated, Sections 8-8-201 or 38-3-122 to the contrary, it shall be the duty of the law enforcement agency responsible for maintaining the arrested person's booking records to take the two (2) full sets of fingerprints from such person as required by such sections.

Where individuals are arrested multiple times for a violation of Tennessee Code Annotated, Section 39-17-310, the offense of public intoxication, the arresting officer shall note on the Arrest Report that fingerprints are on file for this individual pursuant to Tennessee Code Annotated, Section 38-3-122(a).

Compliance with these standardized booking procedures shall be the basis for the Comptroller of the Treasury determining compliance with the fingerprinting requirements of §§ 8-8-201(35) and 38-3-122. The Tennessee Corrections Institute and the Law Enforcement Training Academy shall train correctional personnel in municipal, county and metropolitan jurisdictions in the application of these standardized booking procedures.

SECTION 2. Tennessee Code Annotated, Section 8-4-115, is amended by adding the following new subdivision (4) to subsection (c):

(4) The provisions of sections (c)(2) and (c)(3) become effective for fingerprints taken or required to be taken on or after July 1, 1999.

SECTION 3. Tennessee Code Annotated, Section 8-4-115, is amended by adding the following sentence to the end of subsection (d):

The provisions of this subsection become effective for fingerprints taken or required to be taken on or after July 1, 1999.

SECTION 4. Tennessee Code Annotated, Section 8-4-115, is amended by adding the following as an appropriately designated new section:

(___). Prior to purchasing an electronic fingerprint imaging system, the Sheriff or Municipal Police Department shall obtain certification from the Tennessee Bureau of Investigation that such equipment is compatible with the Tennessee Bureau of Investigation and the Federal Bureau of Investigation's integrated automated fingerprint identification system.

SECTION 5. Tennessee Code Annotated, Section 8-4-115, is amended by adding the following as an appropriately designated new section:

(___). Subject to the approval of the General Assembly, a portion of the funds derived from the additional privilege tax levied on all criminal cases instituted in this state as provided for in Tennessee Code Annotated, Section 67-4-602(g), may be appropriated to the Tennessee Bureau of Investigation for the purchase, installation, maintenance, and line charges of electronic fingerprint imaging systems.

SECTION 6. Tennessee Code Annotated, Section 38-3-122(a), is amended by inserting the following between the first and second sentences of subsection (a):

Provided, however, fingerprints are not required to be taken of individuals who are repeatedly arrested and incarcerated for a violation of Tennessee Code Annotated, Section 39-17-310, the offense of public intoxication, provided that the booking or arresting officer has verified that the individual's fingerprints are on file from a previous arrest.

SECTION 7. To establish the Tennessee Law Enforcement Advisory Council to evaluate the status of technological issues for law enforcement in Tennessee. A new chapter is hereby established in Tennessee Code Annotated, Title 38.

38-13-101. There is hereby created the Tennessee Law Enforcement Advisory Council.

38-13-102. The purpose of the advisory council is to monitor and evaluate the status of technological advancements and related issues to law enforcement in Tennessee. The advisory council will report to the Governor and the House and Senate Judiciary Committees of the General Assembly on an annual basis as to its findings.

38-13-103. The advisory council shall consist of one representative from each of the following: Tennessee Bureau of Investigation, Comptroller of the Treasury, Tennessee Sheriff's Association, Tennessee Association of Chiefs of Police, Office of Criminal Justice, Tennessee District Attorney Generals Conference, Tennessee Corrections Institute, and Tennessee Identification

System Users Group. The advisory council may add additional members, not to exceed four (4) members, if such council determines that additional members would assist the council in fulfilling its duties.

38-13-104. The Tennessee Law Enforcement Advisory Council is hereby authorized to use funds not to exceed five hundred dollars (\$500.00) per year from the revenue derived from the additional privilege tax on litigation of one dollar (\$1.00) on all criminal cases instituted in this State pursuant to T.C.A. 67-4-602(g), to provide necessary support services for the advisory council. Advisory council members shall be reimbursed for travel expenses in accordance with the comprehensive travel regulations promulgated by the Department of Finance and Administration and approved by the Attorney General and Reporter.

SECTION 8. Tennessee Code Annotated, Section 38-3-122, is amended by adding the following to the end of subsection (c):

Any such funds derived from the fifteen dollar (\$15.00) increase in the amount of each handgun carry permit application fee shall not revert to the general fund on June 30 of any year but shall remain available for expenditure for its intended purpose as stated herein.


SECTION 9. This act shall take effect upon becoming law, the public welfare requiring it.

PASSED: April 29, 1998


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 18th day of May 1998


DON SUNDQUIST, GOVERNOR